

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: Abraham Fogel and Chany Fogel

Case No: 08-36436  
Chapter 13

Debtor

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**ORDER CONFIRMING CHAPTER 13 PLAN**

The debtor's plan filed on 7/02/08, having been transmitted to his creditors; and it having been determined after notice and hearing that:

- (1) The plan complies with the applicable provisions of 11 U.S.C. §101, *et seq.*;
- (2) Any fee, charge or amount required under chapter 123 of title 28 or by the plan, to be paid before confirmation, has been paid;
- (3) The plan has been proposed in good faith and not by any means forbidden by law;
- (4) The value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the debtor's estate were liquidated under chapter 7 of title 11 on such date;
- (5) With respect to each allowed secured claim provided for by the plan:
  - (A) the holder of such claim has accepted the plan;
  - (B) (i) the plan provides that the holder of such claim retain the lien securing such claim and (ii) the value, as of the effective date of the plan, of the property to be distributed under the plan on account of such claim is not less than the allowed amount of such claim; or
  - (C) the debtor surrenders the property securing such claim to such holder;
- (6) The debtor will be able to make all payments under the plan and to comply with the plan;
- (7) No objections to confirmation have been filed or any objections have been resolved.

It is ORDERED that:

1. The debtor's plan be and it hereby is CONFIRMED.
2. On 7/02/08 and each month for a period of 36 months, or thereafter until further order, the debtor shall pay in the amount of \$ 36.00 (by money order, bank check or certified check payable to Jeffrey L. Sapir, Trustee, 399 Knollwood Road, White Plains, New York 10603).

3. The trustee shall make distribution in accordance with the debtor's plan inclusive of the trustee's 10% fee and (if appropriate) other unpaid administrative expenses, including compensation to the attorney(s) of the debtor in the amount of \$ .00 that have been allowed by the Court pursuant to 11 U.S.C. §503(b).

4. The debtor shall provide tax returns yearly for the balance of the plan and, if operating a business, shall provide quarterly operating statements.

5. If there is a change of financial circumstances, the debtor shall notify the Trustee within 30 days.

Dated: Poughkeepsie, New York  
January 13, 2009

/s/ Cecelia Morris  
Hon. Cecelia G. Morris  
United States Bankruptcy Judge